

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,**

Plaintiff,

V.

**EQUITYBUILD, INC.,
EQUITYBUILD FINANCE, LLC,
JEROME H. COHEN, and SHAUN
D. COHEN,**

Defendants.

Civil Action No. 18-cv-5587

Hon. John Z. Lee

Mag. Judge Young B. Kim

NOTICE OF FILING OF MOTION FOR LEAVE TO FILE CLAIM

Kevin B. Duff, as receiver (“Receiver”) for the Estate of Defendants EquityBuild, Inc. (“EquityBuild”), EquityBuild Finance, LLC (“EquityBuild Finance”), their affiliates, and the affiliate entities of Defendants Jerome Cohen and Shaun Cohen (collectively, the “Receivership Defendants”), pursuant to the Court’s August 30, 2022 Order (Dkt. No. 1306), hereby provides this Notice of Filing of Motion for Leave to File Claim that was submitted to the Receiver by email on September 1, 2022 and by U.S. Mail on September 7, 2022 by Joseph and Linda Martinez. A true and correct copy of the submission received by U.S. Mail on September 7, 2022 is attached as Exhibit A.

Dated: September 7, 2022

Kevin B. Duff, Receiver

By: /s/ Michael Rachlis
Michael Rachlis
Jodi Rosen Wine
Rachlis Duff & Peel LLC
542 South Dearborn Street, Suite 900
Chicago, IL 60605
Phone (312) 733-3950
mrachlis@rdaplawnet
jwine@rdaplawnet

CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2022, I electronically filed the foregoing Notice with the Clerk of the United States District Court for the Northern District of Illinois, using the CM/ECF system. A copy of the foregoing was served upon counsel of record via the CM/ECF system.

I further certify that I caused a true and correct copy of the foregoing to be served upon all known EquityBuild investors and all known individuals or entities that submitted a proof of claim in this action (sent to the e-mail address each claimant provided on the claim form).

I further certify that I caused a true and correct copy of the foregoing Notice, to be served on Joseph and Linda Martinez by email.

I further certify that the Notice will be posted to the Receivership webpage at:
<http://rdaplawnet.com/receivership-for-equitybuild>

/s/ Michael Rachlis
Rachlis Duff & Peel, LLC
542 South Dearborn Street, Suite 900
Chicago, IL 60605
Phone (312) 733-3950
Fax (312) 733-3952
mrachlis@rdaplawnet.com

We, Linda and Joseph Martinez, are asked to explain our delay in filing a claim against EquityBuild, Inc. We believe we did file a claim in a timely manner before the deadline. We followed the instructions for the best and most efficient way for making our claim. We were instructed to use Axos system. We were also informed that it would take quite some time and to be patient. We imputed our documentation and emailed it off to Axos months before the deadline. And we waited for years reading all the court filings and trying to understand them the best we could.

Concerned that this case appeared to be coming close and that we have not had information on settlement payment we contact the law offices RDPH. RDPH then informed us that they have no record of our claim being submitted. RDPH informed us on how to re-submit a claim and that no guarantee on whether it would be honored. This occurred approximately June 2022. We submitted it again, the old fashion way, via US mail. It was received.

We were asked why we did not heed the many deadline warnings. We believed that these warnings were a general reminder to all. That this did not pertain to us because we already submitted our claim through Axos and were all set.

We are 74 years old and the \$350,000.00 was a lot of our retirement. Of course we submitted a claim. Or, we assuredly thought we did. I would think that all victims would have submitted a claim. We also think that the seized records would show we had a sizable claim and that a claim form was not received.

Our biggest regret, besides doing business with EquityBuild, was to trust the electronic system and not backing it up by US mail. Receiving pennies on the dollar is a bitter pill to swallow but to be denied for an electronic sending issue is devastating.

Please consider our claim.

Signed by filers 9-1-2022

Joseph and Linda Martinez
4378 Montgomery Drive
Santa Rosa CA 95405
707-483-4716

Linda M Martinez 9/1/22
Joseph M Martinez 9/1/22

Exhibit

A

exhibitsticker.com